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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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20999 7590 12/27/2007  
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EXAMINER

PESIN, BORIS M

ART UNIT

PAPER NUMBER

2174

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DELIVERY MODE

12/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/841,957	<b>Applicant(s)</b> KAWASHIMA ET AL.	
	<b>Examiner</b> BORIS PESIN	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-8,32,35,41 and 44-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-8,32,35,41 and 44-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This communication is responsive to the RCE filed 10/11/2007.

Claims 1-4, 6-8, 32, 35, 41 and 44-48 are pending in this application. Claims 1, 32, 35, and 41 are independent claims. In the amendment filed 10/11/2007, claims 1, 32, 35, and 41 were amended. This action is made Non-Final.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/11/2007 has been entered.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 35, 41, 47 and 47 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Independent claims 35 and 41 recite a "recoding medium." It is unclear whether this recording medium is referring to the "removable recording medium", which appears to be statutory, or if it refers to "transmitted data by radio transmission", which is not statutory since signals are not statutory. Further clarification is requested.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4, 6-8, 32, 35, 41, and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perälä (US 5917472) in view of Kirk et al. (US 6175842) further in view of Higashio (US 5900869).

In regards to claim 1, Perälä teaches a display control apparatus for controlling display of information comprising: display control means for displaying linking information, that is linked to content information (Column 4, Line 31), and displaying a plurality of cursors operating on one or more display devices (Column 4, Line 34-42); wherein each cursor has a predetermined priority value which can be varied at a subsequent use ("With regard to the transfer of control, there are a number of

possibilities of when this can be achieved. For example, the Host User mouse may get control immediately when it is moved, whereas the Guest User mouse may get control either after the Host User mouse has not been used for a specified time (time delay) or when the Host User has transferred control to the Guest User, for example by a hot key or selecting a specific icon or menu item on the display.” Column 3, Line 41).

Perälä does not teach an apparatus comprising selecting means for selecting at least a portion of said content information as a function of a corresponding designation by at least two of said plurality of cursors wherein said selection of content information is determined by a decision; an acquisition means for acquiring said selected content information as a function of the at least two cursors. Kirk teaches, “*Yet another advantageous group feature of the present invention is that group followers can collaboratively decide where to proceed next (which hypertext file to request next) by voting. A follower or the leader proposes a list of next hypertext files or links to select, and each follower votes on which to select. In one embodiment, each follower selects a single file or link.*” Column 11, Line 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Perälä with the teachings of Kirk and include a method of selection and decision making based on multiple responses with the motivation to provide the users with a convenient method of deciding what subsequent actions should be taken.

Perälä and Kirk do not teach a decision weighted with said priority value of said cursor and wherein said priority value of said cursors varies as a function of said selection of content information, and wherein each cursor is enabled to select content

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information within a predetermined time after the first cursor selects a portion of the content information. Higashio teaches priority values for cursors, "When a priority switching menu is selected, the priority of the mouse with the current priority is switched to that of a mouse of one lower level. This process is carried out only by input of a mouse having the first or the second priority." (Column 3, Lines 64-67). Higashio further teaches wherein each cursor is enabled to select content information within a predetermined time after the first cursor selects a portion of the content information (Column 1 Lines 60-65, since the cursors are enabled to select information, it is inherent that they will be available after the first cursor selects something). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Perälä and Kirk with the teachings of Higashio and include a method to prioritize the cursors and be able to switch the priorities of the cursors and allow other cursors to control the data after one cursor has acted on the data with the motivation to allow the user to share the available resources in a more organized manner.

As per claim 2, which is dependent on claim 1, Perälä teaches that the display control means displays said selected content information on said display device (column 2, lines 33-57, *i.e. – clicking on information to acquire information*).

As per claim 3, which is dependent on claim 1, Perälä teaches operation means adapted to generate operation signals to operate each of the plurality of cursors (column 1-2, lines 63-5), wherein said display control means displays, on said display device, each of the plurality of cursors, as a function of said operation signals (column 2, lines 33-57).

As per claim 4, which is dependent on claim 1, Perälä teaches that the display control means is adapted to uniquely display each of said plurality of cursors (column 2, lines 45-48).

As per claim 6, which is dependent on claim 1, Perälä does not teach a display controller apparatus wherein said linking information is described using a language for a predetermined image. Kirk teaches, *"Yet another advantageous group feature of the present invention is that group followers can collaboratively decide where to proceed next (which hypertext file to request next) by voting. A follower or the leader proposes a list of next hypertext files or links to select, and each follower votes on which to select. In one embodiment, each follower selects a single file or link."* Column 11, Line 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Perälä with the teachings of Kirk and include a method of decision making based on multiple responses with the motivation to provide the users with a convenient method of deciding what subsequent actions should be taken.

As per claim 7, which is dependent on claim 1, Perälä teaches that the acquisition means acquires additional information from a network (column 4, lines 31-33, *i.e. – a network application acquires remote information*).

As per claim 8, which is dependent on claim 1, Perälä teaches that the acquisition means is a browser (column 4, lines 31-33, *i.e. – a browser is a network application*).

Claims 32 and 35 are similar in scope to claim 1 and are therefore rejected under similar rationale.

Claim 41 is similar in scope to claim 1, and is therefore rejected under similar rationale.

In regards to claim 44, Perälä-Kirk-Higashio teach an apparatus wherein said priority values of said cursors vary inversely to said selection of content information (“When a priority switching menu is selected, the priority of the mouse with the current priority is switched to that of a mouse of one lower level. This process is carried out only by input of a mouse having the first or the second priority.” Higashio Column 3, Lines 64-67).

Claims 45-47 are similar in scope to claim 44; therefore they are rejected under similar rationale.

In regards to claim 48, Perälä-Kirk-Higashio teach an apparatus wherein said priority values of said cursors vary as a function of said designation of content information of said cursors and said selection of content information (“When a priority switching menu is selected, the priority of the mouse with the current priority is switched to that of a mouse of one lower level. This process is carried out only by input of a mouse having the first or the second priority.” Higashio Column 3, Lines 64-67).

### ***Response to Arguments***

Applicant's arguments filed 10/11/2007 have been fully considered but they are not persuasive.

In regard's to the Applicant's argument that Higashio does not teach "each cursor is enabled to select content information within a predetermined time after the first cursor selects a portion of the content information," the Examiner respectfully disagrees. Since Higashio teaches that all the cursors can be used to select information (See Column 1, Lines 60-65), it inherently means that each cursor is enabled to select information right after the other. With regards to the predetermined time, since the Applicant has not defined what a predetermined time is, the Examiner is interpreting the predetermined time being the whole time the application is open and running to enable multiple cursors. In other words, the time is predetermined by the users themselves and it ends when they decide to quit the application.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BORIS PESIN whose telephone number is (571)272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Boris Pesin/  
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